

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
SNOQUALMIE FALLS DEVELOPMENT
CORP. d.b a SNOQUALMIE FALLS
GOLF COURSE.

Appellant,

v.

PUGET SOUND AIR POLLUTION
CONTROL AGENCY,

Respondent.

PCHB No. 77-120

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter, the appeal from a \$100 civil penalty for the alleged violation of respondent's Regulation I, came before the Pollution Control Hearings Board, W. A. Gissberg, Chairman (presiding), and Dave J. Mooney in Seattle on December 16, 1977.

Appellant was represented by W. M. Porter, its president; respondent was represented by its attorney, Keith D. McGoffin.

Having heard the testimony and having examined the exhibits, the Board makes these

FINDINGS OF FACT

I

Pursuant to RCW 43 21B 260 respondent has filed with the Board a certified copy of its Regulation I and amendments thereto which are noticed.

II

Appellant corporation owns and operates the Snoqualmie Falls Golf Course located at 35109 S E. Fish Hatchery Road in Fall City, Washington

III

In June of 1976, in response to a complaint of dust on Fish Hatchery Road, respondent's inspector visited appellant's site and there determined that the dust came from a private road over which appellant owned an easement. Respondent informed appellant of the provisions of Regulation 1 relating to airborne particulate matter. Appellant thereafter graded and oiled portions of the road thought to be problem areas

IV

On June 8, 1977, after receiving a complaint, respondent advised appellant of such complaint about dust. On June 16, 1977 respondent's inspector visited the private road and there observed road dust rising 15 feet in the air each time a car passed over its untreated surface. Appellant was issued a notice of violation from which followed a \$100 civil penalty

V

Although a dairy farm and gravel pit also ingress and egress

1 over the private road, appellant is responsible for the maintenance
2 thereof. Appellant admits the dust problem and would have treated
3 all of the offending area if it had known the dust therefrom was
4 affecting people

5 VI

6 Any Conclusion of Law hereinafter stated which is deemed to
7 be a Finding of Fact is hereby adopted as such.

8 From these Findings the Pollution Control Hearings Board
9 comes to these

10 CONCLUSIONS OF LAW

11 I

12 On June 16, 1977 appellant violated Section 9.15(c) of
13 respondent's Regulation I by permitting untreated open areas on a
14 roadway to be maintained without taking reasonable precautions to
15 prevent particulate matter from becoming airborne. The \$100 civil
16 penalty is reasonable in amount under the circumstances and should
17 be affirmed.

18 II

19 Appellant took reasonable precautions with respect to only a
20 portion of its roadway, none of which, unfortunately, was in
21 complainant's area. In view of appellant's past efforts and present
22 assurances to take preventive measures, the \$100 civil penalty should
23 be suspended.

24 III

25 Any Finding of Fact which should be deemed a Conclusion of
26 Law is hereby adopted as such

27 From these Conclusions the Board comes to this

ORDER

The \$100 civil penalty is affirmed, provided however, that the entire penalty is suspended on condition that appellant not violate respondent's Regulation I for a period of one year after the date of this Order

DATED this 17th day of December, 1977.

POLLUTION CONTROL HEARINGS BOARD

W. A. Gissberg
W. A. GISSBERG, Chairman

Dave J. Mooney
DAVE J. MOONEY, Member

FINAL FINDINGS OF FACT,
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